

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A SPECIAL MEETING HELD ON
AUGUST 3, 2005

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD, MACOMB, MI 48042

PRESENT: CHAIRMAN, BRIAN FLORENCE
MEMBERS: EDWARD GALLAGHER
TONY POPOVSKI
VICTORIA SELVA
DAWN SLOSSON

ABSENT: NONE

ALSO PRESENT: COLLEEN O'CONNOR, TOWNSHIP ATTORNEY
JERRY SCHMEISER, PLANNING CONSULTANT
(Additional attendance record on file with Clerk)

Call Meeting to Order.

Chairman FLORENCE called the meeting to order at 7:00 P.M.

1. Roll Call.

Secretary SLOSSON called the Roll Call. All members present.

2. PLEDGE OF ALLEGIANCE.

3. Approval of Agenda Items. *(with any corrections)*
Note: All fees have been received and all property owners were notified by mail

MOTION by SELVA seconded by GALLAGHER to approve the agenda as presented.

MOTION carried.

4. Approval of the previous meeting minutes:

MOTION by GALLAGHER seconded by POPOVSKI to approve the meeting minutes of July 12, 2005 as presented.

MOTION carried.

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MOTION by POPOVSKI seconded by SLOSSON to approve the meeting minutes of July 26, 2005 as presented.

MOTION carried.

PURPOSE OF HEARING:

To consider the requests for variance(s) of Zoning Ordinance No. 10 for the following:

Agenda Number/Petitioner/ Permanent Parcel No.	Zoning Ordinance Section No.
(5) Steven W. Lee Permanent Parcel 08-07-400-020	Section 10.0311(6)(a) 10.0311(6)(b)

5. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;
Permission to vary section:
Section: 10.0331(6)(a) to increase the size of the accessory structures (attached or detached) from 2,000 square feet to 2465 square feet.
Section 10.0331(6)(b) to allow the height of a detached structure to be increased from 12' to 15'4".
Located on the north side of 24 Mile, approximately ¼ mile west of Romeo Plank Road; Section 7; Steven W. Lee, Petitioner. Permanent Parcel No. 08-07-400-020.

Chairman FLORENCE read the findings and recommendations of July 28, 2005. They are as follows:

The petitioner is requesting allowance to be permitted to complete the construction of a garage located on the above described property. Originally, the petitioner requested information regarding the construction of the garage and was advised that the garage could be 12' high and that its size would be limited to 2,000 square feet. The petitioner was not apprised, nor did he avail himself of the specifics of the height and area details as outlined in the zoning ordinance.

The petitioner assumed that the height of the building would be measured from the eaves instead of the midpoint between the eave and the peak. In this instance the eave measures 12' from the ground and the midpoint between the eave and peak measures 15'4". The height as allowed by the zoning ordinance would be 12' from the midpoint between the eave and the peak. With respect to the area of the garage, the ordinance provides that the area of attached or detached accessory structures must include the area of the garage. Therefore, as constructed, the accessory garage is 465 square feet larger than the area allowed by the zoning ordinance. The zoning ordinance provides that a total of 2000 square feet of accessory buildings are allowed including the square footage of the attached garage.

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A permit was issued for the building as constructed.

The property is zoned R-1 and measures 90' x 300'. The building as proposed other than the area and height meets the standards of the zoning ordinance.

The following letter of explanation was submitted by the petitioner dated July 21, 2005 as follows:

“Approximately February 15th, prior to the purchase of 16041 24 Mile Road, Macomb, MI by Steven W. Lee, a drawing of the accessory building on a plot plan was reviewed and verbally approved “to build” by Bob Beckett and Dennis LeMieux of Macomb Twp. Building Department. Permit could not be issued until purchase of property. Ownership was obtained on 03/31/2005. A meeting was set with Orchard’s Construction on 04/05/2005 and a purchase agreement signed to build an accessory building. Orchard’s Construction applied for permit and submitted three (3) sets of plans and all information required. PERMIT and SITE PLAN was APPROVED. PERMIT #PZ05-0082 was issued on 06/01/2005. Construction started on 06/03/2005 and building was constructed as per building permit and site plan approval. First inspection by Macomb Township was 06/27/2005 and was approved, construction of building continued. On 07/11/2005 with the building 90% complete, a “stop work ordinance” was issued by Macomb Township. Since approval of accessory building costing over \$30,000.00, I have upgraded the building by over \$5,000.00 with vinyl siding, aluminum trim, gutters and down spouts, panel doors, windows, etc.... \$3,500.00 has already been spent enhancing property value by enclosing ditch along 24 Mile Road. Additional costs include plans of landscaping, sod, sprinkling system, patio etc...upon completion of accessory building. The home was only purchased with the understanding that I would be able to build as what was approved by Macomb Township. By no fault of the homeowner or contractor, but due to Macomb Township’s error in approval, the demolition, reconstruction and financial costs of a new building would cause unnecessary stress and a great financial hardship that I could not incur.”

Colleen O’Connor, Township Attorney, stated that there were two issues at stake. The first being one that the Board needs to consider and the other one that is really not an issue at all that concerns the Board. The only consideration that should be given is whether or not there is a practical difficulty that exists here. That means that there is something about the condition of the property that would prevent or preclude the owner from following the ordinance in constructing the garage. That’s really the only issue before the Board here. So this Board needs to make a determination of whether or not they feel there is a practical difficulty here and again you need to ask yourself could this project could have been built according to the Township Ordinances.

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Now, there is a second issue that is kind of looming around this variance request which is the issuance of the building permit by the Township. That issue is whether or not the Township should be prevented from enforcing their ordinance because of error. That issue is not before the Board tonight. That issue is going to be up to another judicial body to determine. That issue is not before the Board tonight. Um, in order for these people to go forward with their variance request, they have to exhaust their administrative remedies, which is what this board is. So, again I just want to point out that there are a lot of issues that are kind of surrounding this variance request but the issue of the building permit really is not something that this Board should consider.

Colleen O'Conner stated that Jerry did not offer an opinion in this case like the planners usually do. She asked him to give his opinion about this whether or not he thinks it is a practical difficulty and whether or not he thinks the project or garage could have been built according to the Township Ordinances.

Jerome R. Schmieser, Planning Consultant, stated the opinion regarding the practical difficulty there is no practical difficulty. The project, the garage could have been built in accordance with the standards of the Zoning Ordinance. So that is really the opinion that we can have with respect to this project. The height of the building could have been 12 feet as measured between the eave and the peak and the area could have been reduced by whatever the amount the garage is leaving it about 1,535 square feet. So as far for a practical difficulty none exists.

Steven W. Lee, petitioner, was in attendance, and stated that before he bought the house he took and did all investigating to see if he was able to build a building like that. He indicated that he spoke to the builder, and that he had the builders flyers that he was handing out to every person that was there stating that there were no restrictions as far as what could be built (not sure who I should hand this to). He then indicated he went to the Building Department with that flyer and a drawn out plot plan showing exactly what he wanted to do with this piece of property, with this house before he bought it. He came to the Township and met with Dennis LeMieux and Bob Beckett, the two people in charge of the Building Department. They looked at it, he indicated he was here two to three times and they said there would not be a problem at all. They said you are allowed to build a 2,000 square foot access building along with 12 foot walls. It's written right on here. It's the original drawing its all on here. They looked it and said everything is fine. He then indicated that he had asked if a permit could be pulled and they responded that he could not pull a permit until you own the property. He stated he did not want to buy the property until he knew he could do exactly what the drawing presented. He then noted that the property was bought on March 31, 2005, and was in the process of getting the mortgage he had met with several builders and met with Orchard Construction and told them what he wanted to do and told them what the Township told him to do and they submitted three sets of plans, just like what's required, exactly all drawn out to exactly how the tall the building is, how wide, the peaks, everything. It says right here 40 x 50 x 12 building. Its got all the dimensions

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exactly there, it was approved with steel siding instead of vinyl siding. It was approved without windows, everything was approved. Three of those were submitted. The permit was issue, the building was started. After the building was started, they had inspections. Inspectors came out and inspected and said to continue going. Then on July 11, 2005 a stop ordinance was called to Steve from Orchard Construction and told him that he had to stop work on the building. A stop work ordinance was put on the building. The permit states right on here 2,000 square feet everything about it. It was all approved. The site plans were approved and since then between Steve and I, before the stop work ordinance was even issued, he had improved the building by over \$5,000.00 by adding vinyl siding, adding panel door windows, adding windows to it to make the building nicer than what it was approved at and made other improvements to the property to enhance the property value around him. He indicated that there was no fault to him. He has done nothing wrong and has tried to enhance the property itself and things around it. Not sure how it was brought to Macomb Township attention or what, but as far as the cost to tear it down and rebuild it, he can not afford it. He pulled all the permits, did all the research before he bought the property and that is the only reason why he bought the property and on and on.

Steve Nikkel, representative from Orchard Construction, asked about the ordinance and the 12 foot height being defined at mid-point. He asked if it was referenced in the ordinance. A copy was provided to him to read. A conversation occurred between him and Jerome R. Schmeiser of the definitions in the ordinance. He then asked when the Township started enforcing the height regulation. Jerome R. Schmeiser stated that question would be best directed to the Building Department and that he was not here to give the history of Zoning, it started in 1906.

Steve Nikkel stated that there were other pole barns in the Township that are 12 feet. We have built them. Twelve feet the eave.

Steve W. Lee stated that he has nine address that have buildings with 10 feet and taller walls. Two of the addresses were built within the last two years and there is one currently going on Fairchild Road between 21 Mile Road and Hall Road.

Steve Nikkel stated that he has another perspective client that has called the Township and were told that they could build a 2,000 square foot accessory building, 12 feet high. There was no mention of mid-point, there was nothing mentioned of deducting the attached garage. There wasn't any explanation. They are continuing this circumstance that is going to possibly cause more problems.

Steve W. Lee stated that he was not trying to build something that is ugly to the neighborhood. He indicated that he was trying to enhance the neighborhood with a piece of property that he had checked. Lastly, he stated that he was not trying to bring the neighborhood down or anything like that. He noted that he has plans on sodding, installing a sprinkling system and placing shrubs and making it a nice place.

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Steve Nikkel stated the bottom line is that everybody knows that an error was made and what they are trying to do is resolve the error so that it does not cost Mr. Lee a tone or money and that it is not objectionable to the neighborhood. He did try to improve the building so it does not look like a pole barn. Even if he did reduce the height of the building and reduce the size of the building, we could take length off the back of the building, we could theoretically lift the trusses, this building is 90% complete. All it needs is a concrete floor and a little bit of vinyl siding. Other than that the building is done. This is not a little project to change. If we were to take and cut the walls down, they would have to be 7 ½ tall to get to the 12 foot mid-point. Its still going to be a 40 foot wide building. It's not like the building is going to be any smaller in size, its going to be shorter. That is the only way we can decrease the size of the building. So to try to rectify it by reducing its size, its really not going to reduce its appearance in the yard. He wanted to make the Board aware of that. Everything was on the drawing, the mid-point was on the drawing that was submitted to the Township, not just the eave height, but the mid-point was there, the total height of the building. We try to be as complete as we can with that stuff. If you would take that into consideration to, even if Mr. Lee dropped the height of the building by 3 ½ to 4' on the side walls and reduces the back height, it would still be 40 feet wide and almost 40 feet in length and it can still occupy the same space its at other than decreasing its length.

Chairman FLORENCE asked that Colleen O'Connor reiterate her prior statement for clarification.

Colleen O'Connor, Township Attorney, stated the problem with what's being asked for is that the Zoning Board of Appeals has certain standards that they have to follow in granting a variance. They just can't grant a variance because of an unfortunate mistake or because it costs too much to repair it. They can only grant a variance if (petitioner interjects and states a hardship) Colleen continues on by saying its not actually a hardship, its called a practical difficulty. And like I said before, a practical difficulty means you can not use the property as zoned. In this case, they can use the property as zoned. They could have built the garage according to what the Township ordinances require. So, the fact that a building error, a building permit was issued, either by error or not by error does not constitute a practical difficulty according to what the courts have said about this issue. So even though it may be a very unfortunate mistake, a very costly mistake, it is not something in my opinion from a legal perspective that constitutes a practical difficulty. This Board is only allowed to grant variances if there is a practical difficulty. Know you do have other remedies if this Board denies your variance. You have other remedies from higher court that can grant you relief. But, it wont be because that there is a practical difficulty, I can ensure you of that.

Steve Nikkel stated that he did believe there was a hardship now. And the Township created the hardship.

Colleen O'Connor interjected and stated she felt that he did not understand what she was saying.

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Steve Nikkel stated he understood what she was saying and that a hardship does follow in line and it comes from the State and we've been (Colleen O'Connor interjected and stated that is not what a hardship is). She went on to explain what a hardship was from a legal perspective. If you go to another court beyond this judicial body, a hardship or a practical difficulty is actually the correct terminology is that you could not use your property as it was zoned. This situation with your client clearly does not fit into that. The fact that it might cost him a lot of money, is not a hardship. The fact that he built the building after he was given a building permit is not a hardship. It would be as if, maybe Jerry could give an example. Colleen stated it would be as if you had wetlands in your backyard, and you could not build something there, because the wetlands provisions wouldn't allow to do that. That would be a practical difficulty. It would mean that because of the way the area is zoned or created you could not build what you normally would be allowed to build there.

Steve W. Lee stated that as far as all the research, he never would have bought the property had I been able to build what I was building.

Colleen O'Connor, Township Attorney, stated again you do have other remedies beyond this Board. I'm not sure what the Board is going to do, but their going to have to base their decision on whether or not there is a practical difficulty. If they deny your request for a variance, there are other remedies for you to pursue with a higher court.

Member GALLAGHER asked if the prints that were presented were those that had been submitted to the Building Department. There are no dimensions on them, so how could they give you any permit.

Steve W. Lee presented what was given to the Building Department by Orchard Construction, which shows where the building is on the plot plan.

Member GALLAGHER asked what the building was going to be used for.

Steve W. Lee stated that he would store his lawn mower, snow blower, motorcycle. Also I'm a car buff and that he did not like washing his cars out on 24 Mile Road and would like to be in my back yard doing it. It's any mans dream to have a nice place done like that. I'm retired and would like to enjoy life like that.

Public Portion:

Tom (neighbor to the east), stated he saw his structure go up and had been before the Building Department himself for an extra structure behind his house. Further, at that time he did not want to apply for plans but they did tell me in no uncertain term that he did have enough square footage as Mr. Lee does here to construct a 2,000 square building and the only height restriction was the ½ point of the roof had to be at 25 foot, so if the roof was 30 feet long in length, the ½ way point had to be at 25 feet, and that was a year and a half ago.

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He stated he had not been to the Building Department since then, but now I feel based on your Attorney's statement that the Building Departments permits are subject to error and can be deflected at any time by their inability to follow the ordinance. He felt that every building permit in the whole Township is at risk right now and felt that he had to ask why shouldn't every builder in the Township have to look to their attorney to determine the validity of their building permit. If this building permit which I reviewed with Mr. Lee the other day looked bonafide, perfect. If your attorney is telling you that in case there is an error by the Township, which the lady did just state, that if there is a difference between the zoning and the building permit, then the building permit becomes void, is just what you told us ma'm

Chairman FLORENCE stated that is not just what she had said.

Tom stated the inference was made that it would have to be taken up to a higher body, which means that every person that has a home under construction in Macomb Township right now has a building permit with a cloud on it, until they can go to a higher court and determine that the Township did make an error if some other neighbor or someone else brings up an issue with their building permit. Whether it's the location of their swimming pool or the location of anything else. There's are only one or two dissident neighbors and they've been dissident for everything in this corner of the block that are causing this problem for Mr. Less. I'm in the same situation, I have a lot that is over 25, 000 square feet, adjacent to his, and I intend to, if I don't vacate and move on to build a similar structure. Under a cloud like this I feel that there is not a good reason to invest in this Township. Why would I want to come to this Township and invest money when and invest like Mr. Lee did and have and then have told by through your attorney by you that "I'm sorry, our guys made a mistake at the Building Department, they didn't know what the ordinance was". I think that every resident of this Township should think twice about what their doing with their builders and about what their doing with the Building Department, because, Miss Attorney, I don't know your name, because your not identified, you just undermined the whole authority of the Building Department to grant building permits. If this permit is not valid, its stamped, he paid for it, it was approved, allowed, construction was started. And now a dissident neighbor who has probably more pull in this Township then Mr. Lee does, because he is new to the street, if these people can bring the whole show to a stop here, essentially you've negated the authority of your Building Department.

Colleen O'Connor, Township Attorney, responded that with all due respect I don't believe you heard anything I said. (Tom stated he heard everything she said) Where you got those inferences from I don't know. I did not say anything about the Building Department what so ever. (Tom, you said they made a mistake in allowing) Colleen said she did not say they made a mistake (Tom, you said an error) Colleen, no (Tom, okay will you tell me what you said) Colleen, are you going to let me finish. (Tom, absolutely) I did not say anybody made an error. I said it's not yet been determined if there's been an error made or not. I don't know if there's been an error made. What I said and I'll say if for a third time, is that this

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Board this Zoning Board of Appeals, they can only grant variances if there is a practical difficulty, and I'll tell what they is again. That says that the property can not be used as zoned. That is what the power of this Board had to do, okay. If this Board determines that there is no practical difficulty, then Mr. Lee has other remedies he can pursue. What I'm telling you is legally, by law, this Board is not permitted to grant variances unless there is a practical difficulty. Now, all those other inferences you made, they are not valid, cause I did not say anything else but that. I am giving you my legal perspective on whether a variance may be granted in this case. But I said nothing about the Building Department, I said nothing about errors, I said nothing about building permits being null and void.

Tom spoke to Chairman FLORENCE and stated that Mr. Lee is in possession of a bonafide building permit, issued to his builder, fees paid, structures outlined, sizes outlined, both side view and top view indicating all of the dimensions and it was approved by the Building Department. Now, my question to you is, if this does not stand your review then why should any other building permit issued by the same people, in the same department of the Township, be construed as valid until they are verified and objectively looked at by another court. Another words does every homeowner or perspective homeowner in this Township have to go to court to verify that their plans are in compliance with the ordinance.

Chairman FLORENCE explained that he can not speak for all of the departments of this Township. He can only speak for this particular Board, but in response to your questions, those specifics of individual properties are reviewed on an individual basis by the Planning Board, by the Planners by the Building Township and other departments within the Township structure.

Tom stated that there was a Master Plan that specifies the sizes of properties and what is allowed.

Chairman FLORENCE stated that is documented in the Zoning Ordinance. That's correct.

Chairman FLORENCE stated that if I was a homeowner, which I am in the Township, it is my responsibility, not the Building Department, its my responsibility to review the Zoning Ordinance. If I don't have a copy it, I can ask for a copy it, or the specific portion of it which are required for my specific question. I can ask for a copy of it to make sure that I am in compliance with it. I can't always rely 100% on what people tell me. Regardless of what that person is. Whether it's a representative of the Building Department, whether it's a representative of the Clerk's Department, whether it's a representative of any other department within Township, its my responsibility to make sure that I met the Zoning Ordinance. Not the Township's.

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Tom stated that it behooves the Township that when they issue a permit just as much as when the state issues a drivers license it is not up to anybody else, its up to the governing body which at this case is the Building Department to enforce ordinances to determine whether that building plan was in compliance with the building ordinance. If they have made a mistake, then (Chairman FLORENCE interjected and stated like we stated before, we are not a position to make a determination on whether a mistake has been made or not and that has to be done by some other body other than this body) Tom, I'm only making these points because I feel that Mr. Lee acted in good faith. I came here a year and a half ago when I acquired interest in the property next door, I acted in good faith and I was told the same thing. 2,000 square feet, extra structure and a two or three car garage not to exceed either or 450 or 700 in some square feet attached garage plus the 2,000 square foot. And now the ordinance has not been amended since that time and now they are telling them that the total combined volume or square footage of his attached garage and his outside structure can not exceed 2, 000 square feet, which is not what the Building Inspector and the Building Department had imprinted form as a handout to perspective customers, buyers, builders, residents like myself. There is a gross discrepancy here, and I don't think that Mr. Lee should be held at the sorry end of the stick on that. The preponderance of enforcement is on the Township (Chairman FLORENCE stated unfortunately it is not with this Board) Tom responded that he understood that correctly. But that the attorney did indicate that there were two issues, one for the Board and one was for Mr. Lee to take it up with some other judicial body whether the Building Department is correct in issuing building permits.

Colleen O'Connor, Township Attorney, stated you did not listen to what I said. I said there are two issues before this Board. There is the issue about practical difficulty, which this Board can determine. The other issue is whether or not the Township Ordinances should be enforced. I said that's up to another body, a circuit court and appellate court, okay. I didn't say it was up to another Township body, I said it was up to another judicial body, which is a court of law.

Tom, you did refer to whether someone in the Building Department made a mistake or not.

Colleen O'Connor stated no I did not.

Tom asked if the meeting was being recorded.

Chairman FLORENCE stated absolutely.

Tom sated he would like a copy and I think there is a lot of inconsistency here.

Jerome R. Schmeiser, Planning Consultant, that he would need to see the Mr. Koehs in the morning and make a F.O.I.A request.

Tom asked if the Township Engineer should be attendance at these meetings as well.

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Nancy (lives on Clarion Drive), stated that none of the neighbors are out to you Mr. Lee. However, I paid a great deal of money to live in a very upscale neighborhood and ordinances are created for a reason. They are to protect single family homeowners like myself from having to look at a structure such as the one you built, a barn, which is technically is aesthetically displeasing. I moved from a neighborhood that had detached structures. I got away from that for a reason and you have to understand that the property owners were all in place before you came in. True, if you investigated to see whether or not you could do this prior to buying the house, I to when I look around at houses, I try to find out whether things are in place or not before I chose to buy. The financial aspect, I can't really help here, but the law is the law and there is no reason why it could not have been met as stated. Now, I can tell you that I'm not quite sure how the due diligence went for you on this project because I walked right in the front door stepped up to the counter and asked to see the ordinance and within five minutes I was shown the ordinance, the paragraph, a drawing and I was explained explicitly this is how high it can be mid-point, this is the maximum size for the size of the lot, it was quite clear to me. I'm not quite sure how you or your builder were misled or did not get this explanation over the course of months that you were working on this project. From our perspective when I look out my window I've got a side of a barn and to be honest with you it's not pleasing to look at and the hardship falls on possibly the neighbors who have this beautiful open view out our window and now it's gone and when I go to sell my home, and somebody looks out my backyard, their going to go wow, I got to look at that, bye, I'm going to the next house. It really does have an effect on us and I know it's hard for you to see that and you don't want to see that because if I had put money into something like that I would selfishly want to prove my point also. I just want to see if ordinance were that easy to get around, there would be no point to have them. They are created so that they are aesthetically pleasing and there just not a free for all and for people to say oh, I'm just going to do this or that just because I want to. Because the rest of us have been there and it's very well established. I don't know how even this generous of an ordinance was granted when you have abutting subdivisions with very upscale \$300,000 plus homes that have to look at a barn. I apologize for the money that you've spent and the troubles that you've gone through, I wouldn't want to have to with that either. All that I can is the ordinance is what it is. It's in black and white. It was available to me, I can't believe it was not available to you and it needs to be adhered with. Were not talking about a couple of inches here either. Were talking about feet and almost 500 square feet of building that it just takes away from the pleasantness, I think of the neighborhood and it's just a real shame that it has to come to this. I'm not here to cause problems for you whatsoever, and I'm not a bad neighbor and I'm not here to make trouble for you, I just think that it's pretty clear on its face and there is much case law to support ordinances and you can not compare this Township Ordinance with a city or another Township because they are granted the ability to create their own.

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Doug Murry, (corner of 24 Mile and Clarion), stated they have lived in the area for approximately nine years and when we moved in the neighborhood the property next to us was vacant and the lot next to that was open and the property next to that was vacant as well. During that period of time we watched the weeds grow up and the trees grow up and all the things that go on in a neighborhood. There is a city ordinance to go ahead and mow land that is 18". We had concerns when we moved in and interesting enough we questioned what if the property was rezoned and purchased in good faith thinking that was not going to happen and if it did happen because of the rules that are required by the Township there would be a wall that would be put up between the properties. Further, I have seen the vacant properties occupied and maintained and continue to have improvements made to them. I have no problem with what Mr. Lee is doing. Even with the dimensions being reduced the building will still occupy the same space that it currently does.

Mike Thomas, 16040 Violet, and stated that Nancy had mentioned a lot of what he wanted to say and that his main concern in the aesthetics when he look out his back doorwall.

Bill Considine, 16021 24 Mile Road, stated that Mr. Lee had met with him and discussed the plans and the landscaping to try to make the site more pleasing. I have a pool in my rear yard, and Mr. Lee knows when sitting on your back porch or in your swimming pool you don't want to look at a big garage. Further, between the two of them they have come up with a way to make it aesthetically nice for the two of them.

Diann Sarafinski, Villa Rosa, stated she sees the building from her pool and it is a large building and we don't care for that large building. It will depreciate my home, if I decide to sell when they go and look out my back yard and see this huge structure, and I think its just too large. That's my opinion on it.

MOTION by GALLAGHER seconded by SELVA to close the public portion.

MOTION carried.

MOTION by GALLAGHER seconded by SELVA to deny the variance request of Section 10.0331(6)(a)-Request to increase the size of the accessory structures (attached or detached) from 2,000 square feet to 2,465 square feet; Located on the north side of 24 Mile Road, ¼ mile west of Romeo Plank Road; Section 7; Steven W. Lee, Petitioner. Permanent Parcel 08-07-400-020. The variance was denied since there has been no practical difficulty displayed, the building could be built under the ordinance, the ordinances are there for everybody to see. This is not just something that was approved or initiated this last week or two. This ordinance has been effect for 10 to 15 years for this particular section. Ordinances are made to protect the residences around you, not just you.

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Mr. Lee stated he did not put something that was trying to make something look bad. I did as much research as I possible could to put up what was allowed by the Township and what they told me to build. Had they told me not to build something like that, I never would have done something like that. I built it because they said this is what you can build. I'm not trying to slide something by that is out of the ordinance or anything like that. I followed all of the procedures that I knew possible to do. So saying that I'm bringing the neighborhood down or something like that, that is the last thing in the world I would want to do.

Member POPOVSKI stated here to interpret the Zoning Ordinance as it is written. Deny the request.

Member GALLAGHER stated his reasons within the motion.

Member SELVA seconded Member GALLAGHERS' motion with the exclusion of the comments about the look of the building or what it does to other properties. Added, it does show no practical difficulty. The buildings need to fit into the ordinance of this Township.

Member SLOSSON stated to deny the variance due to the fact that there is no practical difficulty that exists.

Chairman FLORENCE stated to make it a unanimous vote considering we do not have a practical difficulty according to the terms of the Zoning Ordinance.

MOTION carried.

MOTION by GALLAGHER seconded by SELVA to deny the variance request of Section 10.03321(6)(b)-Request to allow the height of a detached structure to be increased from 12 feet to 15 feet 4 inches; Located on the north side of 24 Mile Road, ¼ mile west of Romeo Plank Road; Section 7; Steven W. Lee, Petitioner. Permanent Parcel 08-07-400-020. The variance was denied since there was no practical difficulty.

Chairman FLORENCE stated it was the assumption is that these will all be considered with the same reasoning that we had with the previous motion. Correct.

Responded-Correct.

MOTION carried.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

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8. PLANNING CONSULTANTS COMMENTS

Jerome R. Schmeiser, Planning Consultant, stated there was special meeting scheduled for September 13, 2005.

9. MOTION TO RECEIVE AND FILE ALL CORRESPONDENCE IN
CONNECTION WITH THE AGENDA.

**MOTION by GALLAGHER seconded by SLOSSON to receive and file all
correspondence.**

MOTION carried.

ADJOURNMENT

MOTION by SLOSSON seconded by POPOVSKI to adjourn the meeting at 7:58 P.M.

MOTION carried.

Respectfully submitted,

Brian Florence, Chairman

Dawn Slosson, Secretary

Beckie Kavanagh, Recording Secretary

BK